

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KUSH, INC.,
Plaintiff(s),

v.

FRANK VAN VRANKEN,
Defendant(s).

Case No.: 2:20-cv-00647-APG-NJK

Order

[Docket No. 26]

Pending before the Court is a stipulation to stay discovery pending resolution of a forthcoming motion for partial dismissal. Docket No. 26.

“The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). Discovery may be stayed when: (1) there is a pending motion that is potentially dispositive in nature and scope; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a “preliminary peek” at the merits of the potentially dispositive motion and is convinced that the plaintiff will be unable to state a claim for relief. *Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013). The Court is guided in its analysis by the objectives in Rule 1 to secure a just, speedy, and inexpensive determination of cases. *See Tradebay*, 278 F.R.D. at 602-03.

In this case, the anticipated motion to dismiss is only partial in nature. That the motion is not potentially case-dispositive, standing alone, warrants denial of the request to stay all discovery.

1 *E.g., Martinez v. Las Vegas Metro. Police Dept.*, 2020 WL 3166611, at *1 (D. Nev. June 9, 2020).
2 In addition, the motion to dismiss has not been filed and briefed, so the undersigned is unable to
3 conduct a preliminary peek.

4 Accordingly, the stipulation to stay discovery is **DENIED**. The parties must file a
5 discovery plan by June 24, 2020.

6 IT IS SO ORDERED.

7 Dated: June 17, 2020

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Nancy J. Koppe
United States Magistrate Judge